REMARKS

1. As for Claim 1

The Examiner rejected Claim 1 under U.S.C.103(a) as being unpatentable over US 6,526,601 (Hsiao) in view of US 5,226,563 (Coggiola). Applicant respectfully disagrees with the Examiner.

Claim 1 of the present invention (emphasis added)

A push-type dispensing device, comprising:

an outer casing 10 having a barrel shape which is opened at upper and lower ends thereof and has a predetermined length;

a nozzle cap 20 having a hollow cone shape, and being fastened to a lower end of the outer casing 10, with an orifice 22 formed at a center of the nozzle cap;

an inner casing 30 housed in the outer casing 10, containing contents, such as cosmetics, and moving up and down by a predetermined distance;

a button 40 coupled to an upper end of the inner casing 30 to protrude upwards from the outer casing 10 by a predetermined height, and actuated to move the inner casing downwards;

a dispenser 50 coupled to a lower end of the inner casing 30, with a pump stem being provided on the dispenser such that a lower end of the pump stem 52 is in close contact with the orifice 22, the dispenser dispensing a prescribed amount of contents by a pumping action of the pump stem and a piston;

an elastic spring 60 interposed between a cylinder cap and the nozzle cap while surrounding the pump stem 52 of the dispenser 50, and restoring the inner casing to an original position thereof using elasticity of the elastic spring when the inner casing has moved downwards; and

a plunger 70 provided in the inner casing to be in close contact with an inner surface of the inner casing, and pushing the contents toward the dispenser when the prescribed amount of contents is dispensed.

The Examiner stated that elements of the present invention are anticipated by corresponding elements of Hsiao in the view of Coggiola.

Present invention	Hsiao	Coggiola
Outer casing (10)	Outer casing (11)	
Nozzle cap (20)	Nozzle cap (43)	
Inner casing (30)	High pressure can (30)	
Button (40)	Button (21,22)	
Dispenser (50)	**X**	Pump (13)
Elastic spring (60)	Elastic spring (116)	**X**
Plunger (70)	**X**	Piston 17 (?)

Considering the comparison table above, each of Hsiao and Coggiola is different from the present invention in structure and effect. Accordingly, the structure of each of Hsiao and Coggiola should not be used as a basis that denies the novelty or inventive step of the present invention.

Meanwhile, from the review of the composite invention where the structure of Hsiao is combined with the structure of Coggiola as stated by the Examiner, it may be possible to anticipate the structure where the high pressure can 30 (in Hsiao) of the structure of Hsiao that includes the outer casing 11, the nozzle cap 43, the high pressure can 30 (in Hsiao), the buttons 21 and 22, and the elastic spring 116, is substituted with the fluid container 10 of Coggiola that includes the pump 13, the valve nozzle 15, and the piston 17.

The structure for operating the pump 13 in this composite invention is the structure where the piston 17 is directly pressed by the projection 33 so as to be driven, like in Coggiola.

In the structure that operates the pump 13 in Coggiola, the piston 17 should move from one end of a cylindrical side wall 16 up to the other end of the cylindrical side wall in order to use all of fluid stored in a fluid container 10. According to the structure of Coggiola, the length of the projection 33, which directly drives the piston 17, should be larger than at least a distance between one end of the cylindrical side wall 16 and the other end of the cylindrical side wall, and the length of a cover 30 (in Coggiola) where the projection 33 is provided should be larger than the length of the projection (which is apparent from paragraph No. 40 in page 6 of the specification of Coggiola).

The problem of the structure where the piston 17 is directly pressed by the projection 33 so as to be driven still exists in the composite invention where the structure of Hsiao is combined with the structure of Coggiola. Even in this case, it is apparent that the length of each of the buttons 21 and 22 should be larger than the distance between one end of the cylindrical side wall 16 of the fluid container 10 and the other end of the cylindrical side wall in order to press the piston 17 .

In contrast, according to Claim 1 of the present invention, as the "button 40 coupled to an upper end of the inner casing 30 to protrude upwards from the outer casing 10 by a predetermined height, and actuated to move the inner casing downwards" is pressed, the inner casing 30 being in direct contact with the button 40 moves downward and the contents of the inner casing 30 are dispensed by the dispenser 50. Meanwhile, as described in Claim 1, the plunger 70 of the present invention is to "push the contained contents toward the dispenser 50 in proportion to the amount of contents to be dispensed while being in close contact with an inner surface of the inner casing 30", and "the outer circumference of the plunger is formed in the shape of a cup to push the contents upward while being in close contact with the inner surface of the inner casing 30". The operational principle of the plunger 70 is as follows: as described in paragraph No. 29 of the specification of the present invention, when a prescribed amount of contents is dispensed by the pumping action of the dispenser 50, internal pressure of the inner casing 30 containing the contents is reduced in proportion to the discharged amount of contents. In this case, since the internal pressure of the inner casing is low, the plunger 70 is pulled downwards to maintain pressure equilibrium. According to such a principle, the plunger 70 is thrust to push the contents.

In particular, if the range of motion of the button 40 and the range of motion of the inner casing 30 corresponding thereto satisfy a range that is necessary for the dispenser 50 to dispense a prescribed amount of contents, the ranges are sufficient. Accordingly, the predetermined height of the button 40, which protrudes upwards from the outer casing 10, is generally in the range of several millimeters to 2 cm.

From the collective review of the above description, it is considered as follows: the structure of the composite invention where the structure of Hsiao is combined with the structure of Coggiola is apparently different from the structure of the present invention where the button 40 is "formed to protrude upwards from the outer casing 10 by a predetermined height and actuated to move the inner casing downwards", and the present invention cannot be easily

deduced from the structure of the composite invention where the structure of Hsiao is combined with the structure of Coggiola by those skilled in the art to which the present invention pertains.

Further, as apparently described above in paragraph No. 40 in page 6 of the specification of Coggiola, the length of the projection 33, which directly drives the piston 17, should be larger than at least a distance between one end of the cylindrical side wall 16 and the other end of the cylindrical side wall, and the length of a cover 30 (in Coggiola) where the projection 33 is provided should be larger than the length of the projection. Accordingly, the structure of the present invention where the button 40 protrudes by a predetermined relatively small height in contrast to this is not easily anticipated from Coggiola, and cannot be easily deduced from the structure of the composite invention where the structure of Hsiao is combined with the structure of Coggiola by those skilled in the art to which the present invention pertains.

Meanwhile, considering an embodiment that is inevitably anticipated from the structure of the composite invention where the structure of Hsiao is combined with the structure of Coggiola, it is very difficult to or not possible to perform an action, which grasps the outer casing 11 with one hand and pushes the buttons 21 and 22 by a thumb to dispense the contents, as the usage that is generally anticipated in a field relating to a container containing cosmetics, to which the present invention pertains (which is more apparent considering that the length of an object to be grasped with four fingers except for a human thumb is much larger than the length of the thumb). In particular, this inconvenience in use is increased when most contents of the fluid container 10 have been dispensed.

In contrast to this, according to the present invention, as described in paragraph No. 31 of the specification, "First, a user holds the outer casing 10 of the dispensing device 100, and moves the orifice 22 provided on the lower end of the dispensing device 100 near a desired body part. In such a state, the user pushes the button 40 provided on the upper end of the dispensing device 100 using her thumb, in a similar manner to a mechanical pencil. When the button 40 is pressed down, the inner casing 30 coupled to the lower end of the button 40 moves downwards. Thereby, the dispenser 50 coupled to the lower end of the inner casing 30 may be actuated" to dispense the contents. Accordingly, a user can conveniently use the push-type dispensing device according to the present invention with one hand. Therefore, since it is apparent that the effect of the present invention is different from that of the composite invention where the structure of Hsiao is combined with the structure of Coggiola, the present invention cannot be easily deduced from the structure of the composite invention where the structure of

Hsiao is combined with the structure of Coggiola by those skilled in the art to which the present invention pertains.

Accordingly, Claim 1 of the present invention and the composite invention where the structure of Hsiao is combined with the structure of Coggiola are different from each other in structure, and Claim 1 of the present invention and the composite invention are also significantly different from each other in effect. Therefore, the present invention cannot be easily devised by those skilled in the art to which the present invention pertains.

2. As for Claim 2

The Examiner rejected Claim 2 under U.S.C.103(a) as being unpatentable over Hsiao in view of Coggiola, and further in view of US 2,597,165 (Minturn). Applicant respectfully disagrees with the Examiner.

As described above, Claim 1 of the present invention has an inventive step with respect to the invention where the structure of Coggiola is combined with the structure of Hsiao. Meanwhile, since being different from Claim 1 in structure and effect, all disclosure of Minturn cannot be used as bases that deny the inventive step of Claim 1. This is the same even though the disclosure of Minturn is combined with the invention where the structure of Coggiola is combined with the structure of Hsiao. Therefore, Claim 2, which is a dependent claim of Claim 1, also cannot be easily devised by those skilled in the art to which the present invention pertains.

3. As for Claims 3 and 4

The Examiner rejected Claims 3 and 4 under U.S.C.103(a) as being unpatentable over Hsiao in view of Coggiola and Minturn, and further in view of US 2,363,474 (Schlesinger). Applicant respectfully disagrees with the Examiner.

As described above, Claim 1 of the present invention has an inventive step with respect to the invention where the structure of Coggiola and the disclosure of Minturn are combined with the structure of Hsiao. Meanwhile, since being different from Claim 1 in structure and effect, all disclosure of Schlesinger cannot be used as bases that deny the inventive step of Claim 1. This is the same even though the disclosure of Hsiao, Coggiola, and Minturn is combined with the disclosure of Schlesinger. Therefore, Claims 3 and 4, which are dependent

claims of Claim 1, also cannot be easily devised by those skilled in the art to which the present invention pertains.

Conclusion

In view of remarks made above, it is respectfully submitted that Claims 1 to 4 are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

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